

159. The linking in this way of a rule as to the provision of type records or aeroplane flight manuals with import license is, we suggest, open to objection. The considerations governing the initial introduction of an import license system were, we expect, of a different kind from those governing the provision of an aeroplane flight manual. It is undesirable, and possibly *ultra vires* the Act, to use legislation introduced for one purpose for a quite different purpose.

160. Again, the inclusion of a provision of this kind in Leaflet P. 8 of the New Zealand Civil Airworthiness Requirements does not give it the force of law, though opinions to the contrary have been expressed. The New Zealand Civil Airworthiness Requirements were introduced by an Air Navigation Direction (AND-4) which states :—

In determining the conditions on which his approval (*i.e.*, the Director of Civil Aviation's approval of the conditions upon which civil aircraft are "supplied") is to be granted, the Controller of Civil Aviation shall have regard to, *but shall not be bound by*, the conditions and requirements set forth in the official publication styled "New Zealand Civil Airworthiness Requirements" (C.A. Publication No. 1), and he may specify any other conditions and requirements which he thinks fit.

161. The appropriate method of ensuring that the aeroplane flight manual is furnished in respect of aircraft imported into New Zealand is, as indicated above, to make its supply one of the conditions of the contract of purchase.

162. Aircraft purchased by Government or a national operator call for different treatment from those purchased by commercial companies, flying clubs, or private owners. In the first case Government have direct control over the decision to purchase particular aircraft. In exercising this control, Government may decide to consult the Director of Civil Aviation, but in doing so the question at issue is not one of the regulation of civil aviation, the responsibility for which is delegated to the Director of Civil Aviation, but one of a major financial transaction of Government. If Government should decide that the proposals of the national operator are not acceptable, they can be vetoed directly. It is unnecessary to use the roundabout procedure in which the Director of Civil Aviation advises the Controller of Imports not to issue an import license for aircraft which Government have decided not to purchase. The procedure is clearly undesirable in the case where Government have decided to purchase the aircraft, which they would presumably do only after taking full advice.

163. In the case of non-government purchase of aircraft, the control in question is an economic control for the preservation of currency and not one of the regulation of civil aviation. It is right and proper that the Director of Civil Aviation should be asked to advise whether the import of a particular aircraft is necessary or whether the purpose of the purchaser could be as well served by the purchase or use of aircraft not involving adverse effects on the exchange. In considering the problem, the Director of Civil Aviation must needs assess the aircraft